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ATTORNEYS AT LAW

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TELEPHONE (650) 812-3400 • FACSIMILE (650) 812-3444**FACSIMILE COVER SHEET**

**Company:** United States Patent & Trademark Office  
**Fax Number:** (571) 273-8300

**From:** Daniel C. Kloke  
**Phone Number:** (650) 812-3440  
**Fax Number:** (650) 812-3444

**RE: Our Ref:** PA3813US

**Date:** February 21, 2007

**Total pages:** 7 (includes cover sheet)

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Please see attached.

(00154598v1)

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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCETRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number	09/766,652
Filing Date	January 23, 2001
First Named Inventor	Glenn Ferguson
Art Unit	2128
Examiner Name	Fred O. Ferris III
Attorney Docket Number	PA3813US

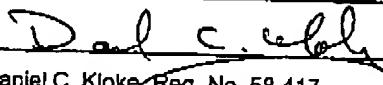
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Carr & Ferrell LLP		
Signature			
Printed name	Daniel C. Kloke		
Date	February 21, 2007	Reg. No.	58,417

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Daniel C. Kloke, Reg. No. 58,417		Date
			February 21, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Glenn Ferguson et al.

TITLE: Data Model for Automated Server Configuration

SERIAL NO.: 09/766,652

FILING DATE: January 23, 2001

EXAMINER: Fred O. Ferris III

ART UNIT: 2128

ATTY.DKT.NO.: PA3813US

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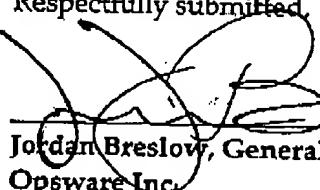
**REVOCATION AND POWER OF ATTORNEY**

I, the undersigned, **Jordan Breslow, General Counsel of Opsware Inc.**, the assignee of the entire right, title and interest in the above-referenced United States patent application, am authorized to act and sign on behalf of the assignee and hereby revoke all prior powers of attorney previously submitted in the above-referenced U.S. patent application and hereby appoint the agents and attorneys associated with Customer Number 22830 to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Please direct all communication relative to this patent application to the following correspondence address:

Customer Number 22830  
CARR & FERRELL LLP  
2200 Geng Road  
Palo Alto, CA 94303  
TEL: 650.812.3400  
FAX: 650.812.3444

Respectfully submitted,

Date: 2/20/07

Jordan Breslow, General Counsel  
Opsware Inc.

PTO/SB/96 (12-05)

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 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Glenn Ferguson et al.

Application No./Patent No./Control No.: 09/766,652

Filed/Issue Date: January 23, 2001

Entitled: Data Model for Automated Server Configuration

Opsware Inc.

(Name of Assignee)

a corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Glenn Ferguson et al. To: LoudCloud, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 011994, Frame 0157, or for which a copy thereof is attached.
2. From: LoudCloud, Inc. To: Opsware Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Jordan Breslow

Printed or Typed Name

General Counsel

Title

2/20/07  
408-744-7300

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# Delaware

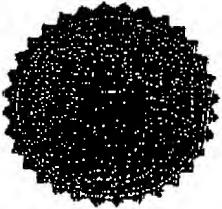
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "LOUDCLOUD, INC.", CHANGING ITS NAME FROM "LOUDCLOUD, INC." TO "OPSWARE INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF AUGUST, A.D. 2002, AT 5 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTEENTH DAY OF AUGUST, A.D. 2002.

BEST AVAILABLE COPY

3094394 8100  
060301713

Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State  
AUTHENTICATION: 4632535

DATE: 03-30-06

STATE OF DELAWARE  
 SECRETARY OF STATE  
 DIVISION OF CORPORATIONS  
 FILED: 05:00 PM 08/14/2002  
 020516079 - 3094394

## CERTIFICATE OF AMENDMENT

OF

THE AMENDED AND RESTATED CERTIFICATE OF  
 INCORPORATION

OF

LOUDCLOUD, INC.

Pursuant to Section 242 of the General  
 Corporation Law of the State of Delaware

\* \* \*

LOUDCLOUD, INC., a Delaware corporation (hereinafter called the "Corporation"), does hereby certify  
 as follows:

**FIRST:** Article I of the Corporation's Amended and Restated Certificate of Incorporation is hereby  
 amended to read in its entirety as set forth below:

The name of the Corporation is Opware Inc.

**SECOND:** The foregoing Amendment was duly adopted in accordance with Section 242 of the General  
 Corporation Law of the State of Delaware.

**THIRD:** This Certificate of Amendment of the Amended and Restated Certificate of Incorporation of  
 Loudcloud, Inc. shall be effective on August 16, 2002.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by the President and  
 Chief Executive Officer of the Corporation on this 14<sup>th</sup> day of August, 2002.

Loudcloud, Inc.

By: *BS*

Name: Benjamin A. Horowitz  
 Title: President and Chief  
 Executive Officer

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PTO/SB/122 (01-06)

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Alexandria, VA 22313-1450

Application Number	09/766,652
Filing Date	January 23, 2001
First Named Inventor	Glenn Ferguson
Art Unit	2128
Examiner Name	Fred O. Ferris III
Attorney Docket Number	PA3813US

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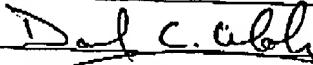
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I am the:

- Applicant/Inventor
- Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record. Registration Number 58,417
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Signature

Typed or Printed  
Name Daniel C. Kloke

Date February 21, 2007

Telephone 650.812.3400

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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